

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN CLERK'S OFFICE

U.S.D.C. - Rome

SEP 26 2003

LUTHER D. THOMAS, Clerk

By: *[Signature]*
Deputy Clerk

In re: Tri-State Crematory Litigation

MDL Docket No. 1467

This Order Applies to:

ALL CASES

ORDER APPROVING SAMPLE NOTICE

Pursuant to the Court's Order of September 11, 2003, Class Counsel has submitted for the Court's review a sample notice packet, including the long form, mailed Notice; the short form, published Notice; the Class Member Questionnaire and a return envelope.

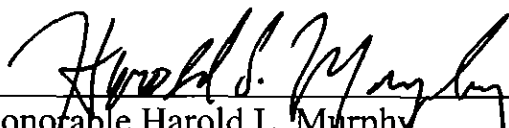
The Court finds that no substantial changes were made to the Class Notice, and that the following was added below the class definition in the long form, mailed Notice: "You are automatically a member of the Class if you fit the description above. You will be a participant in the litigation and bound by all Court judgments unless you choose to exclude yourself as outlined in paragraph 18 below."

IT IS HEREBY ORDERED that the notice as amended and attached is approved for dissemination to the Class.

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IT IS ORDERED that no party, their counsel, or other representative shall disseminate any form communication to class members regarding class certification or any proposed class settlement prior to the approved dissemination date or without including the corresponding court-approved form of class notice, and all parties shall maintain the confidentiality of settlement discussions. This order is entered to protect the rights of class members to complete and accurate information on matters of class membership and settlements and to preserve this Court's control over, and the integrity of the processes of, class certification, class notice, and settlement approval.

IT IS SO ORDERED, this 16th day of September, 2003.



Honorable Harold L. Murphy,
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TRI-STATE CREMATORY LITIGATION
This document relates to all cases.

MDL DOCKET NO. 1467

Class Action Notice

This notice may affect your rights.
Please read carefully.

TO: Next-of-kin of decedents whose remains were sent to Tri-State Crematory, Inc. for cremation between January 1, 1988 and February 15, 2002 and any person who signed a contract for funeral arrangements for those decedents.

You May Be A Member Of The Tri-State Crematory Litigation Class Action Lawsuit.

Your Rights May Be Affected By This Suit.

This Class Action Notice Describes Your Rights As Class Members And What You Must Do To Protect Them.

Description of the Action

1. A class action is a type of lawsuit in which a few named plaintiffs sue on behalf of themselves and many others who have similar claims. The questions common to the class are decided in one trial. This procedure avoids the delay, confusion, and expense of multiple suits.
2. Beginning on February 15, 2002, the uncremated human remains of at least 334 decedents were discovered on the property surrounding the Tri-State Crematory in Noble, Georgia.
3. Following the discovery of these uncremated bodies, some next-of-kin of decedents whose remains were delivered to Tri-State Crematory filed lawsuits in Tennessee, Alabama and Georgia. Among these suits were three lawsuits filed in federal courts in Alabama and Georgia, two of which were filed as class actions. These lawsuits have been coordinated as the Tri-State Crematory Litigation and have been assigned to one judge, the Honorable Harold L. Murphy, for joint proceedings.
4. Named plaintiffs in the Tri-State Crematory Litigation, Carol Bechtel, Paula Yockel, Thomas Conyers, Kathi Kelly, Thomas Edkins, Richard Reid, and James Shirley, assert that the defendants are all legally responsible in tort and in contract for the damages caused by their alleged failure to dispose of human remains properly and respectfully, as requested by the decedents and their families. On March 17, 2003, the Court issued an order approving the following claims for class action treatment: (1) negligence; (2) willful interference with remains and intentional mishandling of a corpse; (3) negligent interference with remains and mishandling of a corpse; and (4) breach of contract. The Court's order allowing these claims to proceed as a class action is not a ruling on their merits, and defendants deny any liability (legal responsibility) on these claims. The Court has ruled that Georgia law will apply to these claims.
5. The defendants in this case include Tri-State Crematory, members of the Marsh family who are alleged to have owned and operated the crematory and approximately 50 funeral homes which sent remains to Tri-State Crematory for cremation. The funeral homes, which are joined as defendants in this Class Action, are listed on Exhibit A.

Class-Action Ruling

6. The Court has ruled that this lawsuit may be maintained as a class action. The Court has designated the plaintiffs listed in paragraph 4 of this Notice as representatives of the Class and appointed the plaintiffs' attorneys listed in Exhibit B to this Notice as Class Counsel. Plaintiffs Thomas Conyers and Kathi Kelly have been designated to represent the Subclass of persons who have had the remains of their decedent positively identified among the uncremated bodies recovered from the Tri-State Crematory property.
7. The Court has certified a Class defined as follows:

"All those who are or were next of kin of any decedents delivered for cremation to Defendant Tri-State Crematory from the years 1988 to 2002; all persons or entities who were parties to any contract with any Defendant regarding funeral arrangements for a decedent who was delivered for cremation to Defendant Tri-State Crematory from 1988 to 2002 whose claim is not barred by the applicable statute of limitations; and a subclass defined as the next of kin of decedents whose uncremated or otherwise desecrated remains have been recovered from the property of Defendant Tri-State Crematory or the property surrounding Defendant Tri-State."

You are automatically a member of the Class if you fit the description above. You will be a participant in the litigation and bound by all Court judgments unless you choose to exclude yourself as outlined in paragraph 18 below.

8. For purposes of this action, next-of-kin is defined according to the Georgia laws of intestate succession (laws governing situations in which there is no will). For instance, for the purposes of this action, the next-of-kin of a decedent is the decedent's spouse, and if there is no living spouse, the decedent's child or children. If there is no living spouse or child(ren), the next-of-kin is the decedent's parent or parents. If there is no living spouse, child(ren) or parent, the next-of-kin is the decedent's sister or brother.
9. The Court has not ruled on the merits of the plaintiffs' claims or defendants' objections. For example, defendants argue that some Class Members' claims may be barred by statutes of limitations. The Court has not yet ruled on this issue. The ruling that this case should proceed as a class action does not mean that any money will be obtained for Class Members, because these are disputed issues that have not been decided, and the defendants deny liability. The class ruling does mean that the orders and judgments in this lawsuit – whether favorable to the plaintiffs or unfavorable – will apply to all Class Members who do not leave the Class in the manner described below.

What Class Membership Means

10. As a Class Member, your rights and interests are protected by the named plaintiffs in the lawsuit and by Class Counsel, who are listed on Exhibit B. Class Counsel have agreed to represent the members of the Class on a conditional (contingent) fee basis subject to Court approval. Attorneys' fees and costs will be awarded to them by the Court only if they obtain a monetary recovery or other benefit for Class Members. None of the members of the Class is individually obligated to pay any fees to Class Counsel.
11. You may also choose to have your own lawyer represent you in the Tri-State Crematory Litigation, at your own expense, by filing a notice of appearance on your behalf as a Class Member.
12. As a Class Member, you have the right to advise the Court if at any time you think that you are not being fairly and adequately represented by Mrs. Bechtel and the other named plaintiffs and their lawyers.
13. By remaining a Class Member, any claims you may have against the defendants for damages for negligence, willful interference with remains and intentional mishandling of a corpse; negligent interference with remains and mishandling of a corpse, and breach of contract will be decided in this case and cannot be presented in any other lawsuit. The Court's order allowing these claims to proceed as a class action is not a ruling on their merits, and defendants deny any liability on these claims.
14. You may be required, as a condition of recovery through settlement or at trial, to present evidence about your familial relationship with the decedent whose remains were sent to Tri-State for cremation, the contracts regarding the funeral arrangements for the decedent, and the impact of the discoveries at Tri-State Crematory upon you.
15. It is important for Class Counsel to have current name and address information for all persons who desire to be Class Members. Class Members will be notified if any ruling reduces the size of the Class. Class Members will also receive notice of, and an opportunity to be heard about, any proposed settlement or compromise of the Class claims.
16. For these reasons, as well as to participate in any recovery, you are requested to notify the Class Counsel of any corrections or changes in your name or address. If you obtain notice of this Class Action by means other than the receipt of this notice mailed to you at your current address, please contact Class Counsel as set forth in paragraph 17 below to provide your current and complete name and address information as a Class Member.
17. If you wish to communicate with Class Counsel as your lawyers in this litigation, you may do so by writing:

Class Counsel
Tri-State Crematory Litigation
P.O. Box 0548
Nashville, TN 37212-9998
Facsimile: (615) 313-9965

You may also call the following toll-free number: 1-877-877-4521 or visit the interactive, informational website for Class Members: www.crematoryclassaction.com.

If You Wish to Leave the Class

18. If you wish to leave the Class, you must personally sign and mail a written "request for exclusion" that includes your full name and current address, your decedent's name, and your relationship to the decedent. Your request for exclusion must be mailed to "Class Counsel, Tri-State Crematory Litigation, P.O. Box 0548, Nashville, Tennessee 37212-9998" and must be postmarked no later than November 8, 2003.

If you decide to leave the Class and choose to pursue a claim on your own,

- (a) you will not participate in any Class recovery of damages from the trial or settlement of Class claims in this lawsuit;
- (b) you will not be bound by any further order affecting the Class in this lawsuit;
- (c) you will have to retain your own lawyer at your expense;
- (d) you will have to present any claims you wish to pursue against the defendants by filing your own lawsuit.

Trial

- 19. The Class Action trial will be "bifurcated," meaning that it will proceed in two parts. Trial is scheduled to begin on March 1, 2004 in Rome, Georgia. The trial date is subject to change.
- 20. Part one of the trial will decide the liability of the defendants for negligence, willful or negligent interference with remains, intentional or negligent mishandling of a corpse, and breach of contract, under Georgia law. Part one of the trial (the "liability phase") will decide the questions of the defendants' duties to the Class Members and the defendants' alleged breach of any such duties.
- 21. If the plaintiffs prevail in part one of the trial (the "liability phase,") the issues of causation and the amount of the Class Members' own damages will be determined through individual proof in part two of the trial (the "damages phase.")
- 22. To assert your damages claim in part two of the trial, you may be required to participate in formal or informal discovery, and may be required to provide information at a deposition, in response to interrogatories, or questionnaires, under the procedures and deadlines to be set by the Court.

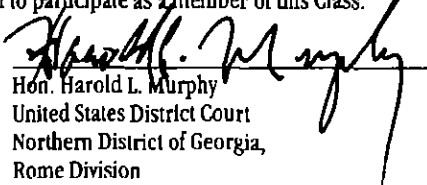
Additional Information

- 23. Any questions you have concerning the information contained in this Notice (and any corrections or changes of name or address) should not be directed to the Court. Send your questions and information in writing to:

Class Counsel
Tri-State Crematory Litigation
P.O. Box 0548
Nashville, TN 37212-9998
Facsimile: (615) 313-9965

- 24. The Court documents (pleadings, orders and other records) in this litigation may be examined and copied at any time during the regular office hours at the office of the clerk, 600 East First Street, Rome, Georgia. The Court's orders, including the Class Certification Order, will also be available on line at www.crematoryclassaction.com.
- 25. This Class Action Notice is not an expression of any opinion by the Court on the merits of any of the claims or defenses asserted by the plaintiffs or the defendants. This Notice is solely to provide information on the Tri-State Crematory Litigation and on the rights and meaning of class membership, so that you may decide whether or not you wish to participate as a member of this Class.

Dated: September 11, 2003


Hon. Harold L. Murphy
United States District Court
Northern District of Georgia,
Rome Division

Si usted desea obtener una copia de este documento legal en Espanol, favor de actuar inmediatamente y escribir a

**Class Counsel
Tri-State Crematory Litigation
P.O. Box 0548
Nashville, Tennessee 37212-9998
Facsimile: (615) 313-9965**

EXHIBIT A
Funeral Home Defendants

ALABAMA

Fort Payne:
Burt Funeral Home

Henagar:
Kerby Funeral Home

GEORGIA

Adairsville:
R. Dudley Barton & Son Funeral Home

Dalton:
House of Overstreet Mortuary
Julian Peoples Funeral Home
Kenemer Brothers Funeral Home
Love Funeral Home
Willis Funeral Home

Ringgold:
Wallis Stewart Funeral Home

Calhoun:
Thomas & Son Funeral Home

Rome:
Jennings Heritage Chapel Funeral Home

Cartersville:
Parnick Jennings Funeral Home

Port Oglethorpe:
W.L. Wilson & Sons Funeral Home

Summerville:
Erwin Pettit Funeral Home
J.D. Hill Funeral Home

Chatsworth:
Peeples Funeral Home

Jasper:
Cagle Funeral Home

Trenton:
R.D. Moore Funeral Home
Ryan Funeral Home

Chickamauga:
J. Avery Bryan of Chickamauga

Lafayette:
Wallis-Wilbanks Funeral Home

Tunnel Hill:
Jesse Jones Funeral Home

TENNESSEE

Chattanooga:
Chattanooga Funeral Home East Chapel
Chattanooga Funeral Home North Chapel
Chattanooga Funeral Home Valley View Chapel
Chattanooga Funeral Home West Chapel
Covenant Funeral Services
Family Mortuary
Franklin-Strickland Funeral Home
Hardwick & Sons Funeral Home
J. Avery Bryan Funeral Home Service
Pinkard & Mee Funeral Home Service
Taylor Funeral Home
Turner Funeral Home
Wann Funeral Home

Cleveland:
Fike Funeral Home
Patton's Funeral Home

Dunlap:
Ewton Funeral Home

Kimball:
Sequaichie Valley Funeral Home

Manchester:
Gilmore Funeral Home

Monteagle:
Cumberland Funeral Home

Palmer:
Layne Funeral Home

Tracy City:
Cumberland Funeral Home Tracy City
Foster & Sons Funeral Home

EXHIBIT B
Plaintiffs' Class Counsel

Plaintiffs' Lead Counsel:

Elizabeth J. Cabraser
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Kathryn E. Barnett
3319 West End Avenue, Suite 600
Nashville, TN 37203
Telephone: (615) 313-9000
Facsimile: (615) 313-9965

Plaintiffs' Liaison Counsel:

Robert H. Smalley, III
McCAMY, PHILLIPS, TUGGLE & FORDHAM, LLP
P.O. Box 1105
Dalton, GA 30722-1105
Telephone: (706) 278-4499
Facsimile: (706) 278-5002

Plaintiffs' Steering Committee:

DOFFERMYRE, SHIELDS, CANFIELD,
KNOWLES & DEVINE
Ken Canfield
Leslie Bryan
Suite 1600, 1355 Peachtree Street
Atlanta, GA 30309
Telephone: (404) 881-8900

MABRY & MCCLELLAND, LLP
Robert M. Darroch
Tenth Floor, 2200
Century Parkway, N.E.
Atlanta, GA 30345
Telephone: (404) 248-2866

THE FLEISSNER FIRM
Phillip A. Fleissner
600 Georgia Avenue
Chattanooga, TN 37402
Telephone: (423) 756-3591

BARRETT LAW OFFICE
Charles Barrett
3319 West End Avenue, 6th Floor
Nashville, TN 37203
Telephone: (615) 386-8391

SIMS, GRADDICK & DODSON, P.C.
Charles Graddick
205 St. Emanuel Street
Mobile, AL 36602

COPPEDGE & LEMAN
Warren N. Coppedge, Jr.
Joseph Leman
508 S. Thornton Ave.
Dalton, GA 30720
Telephone: (706) 226-0040

SHUMAKER, WITT, GAITHER & WHITAKER
William G. Colvin
Suite 500, First Tennessee Building
701 Market Street
Chattanooga, TN 37402
Telephone: (423) 265-2214

DAVID RANDOLPH SMITH & ASSOCIATES
David Randolph Smith
J. Allen Murphy, Jr.
1910 Acklen Avenue
Hillsboro Village
Nashville, TN 37212
Telephone: (615) 742-1775

EXHIBIT C
Defendants' Counsel

Lead and Liaison Counsel for Defendant Funeral Homes:

BRINSON, ASKEW, BERRY, SEIGLER, RICHARDSON & DAVIS, LLP
Robert M. Brinson
J. Anderson Davis
The Omberg House
615 West First Street
Post Office Box 5513
Rome, GA 30162-5513
Telephone: (706) 291-8853
Facsimile: (706) 234-3574

Lead Counsel for Tri-State Crematory, Inc.:

LAW OFFICE OF McCRACKEN POSTON
McCracken Poston, Jr.
Post Office Box 1130
Ringgold, GA 30736

Lead Counsel for the Marsh Family:

JENKINS & OLSON
Frank E. Jenkins, III
15 Public Square
South Cartersville, GA 30120-3350

If You Are the Next of Kin of Any Person Whose Funeral Arrangements for Cremation Were Made Through One of the Funeral Homes Listed Below

Or

If Your Next of Kin Was to be Cremated at Tri-State Crematory

Please Read This Important Court-Ordered Legal Notice Regarding The Tri-State Crematory

What is This About?

Beginning on February 15, 2002, the uncremated remains of at least 334 decedents were discovered at Tri-State Crematory in Noble, Georgia.

A class action lawsuit against Tri-State Crematory, members of the Marsh family who are alleged to have owned and operated it, and the funeral homes that sent bodies to Tri-State Crematory between 1988 and 2002 asserts that the defendants are all legally responsible for damages caused by their alleged failure to dispose of human remains properly and respectfully.

Judge Harold L. Murphy certified the class action lawsuit, *In re: Tri-State Crematory Litigation*, MDL No. 1467, (N.D. GA, Rome Div.) for trial on the plaintiffs' claims of negligence, willful interference with remains and intentional mishandling of a corpse; negligent interference with remains and mishandling of a corpse; and breach of contract under Georgia law. Defendants deny any liability on these claims. Phase one of the trial, to determine liability, begins March 1, 2004 in Rome, Georgia.

Who is Involved?

You are automatically a class member if you fit either of the following descriptions:

- All those who are or were next of kin of any person whose remains were delivered for cremation to Tri-State Crematory from 1988 to 2002; (For purposes of this action, next-of-kin is defined according to the Georgia laws of intestate succession.)
- All persons who signed any contract regarding funeral

arrangements for a decedent who was delivered for cremation to Tri-State Crematory during that period.

What are My Rights?

The rights and interests of the class members are automatically protected by the named plaintiffs in the lawsuit and by Class Counsel. Class Counsel have agreed to represent the class members on a contingent fee basis, with any fees and costs to be awarded by the Court only if they obtain a monetary recovery or other benefit for the class. You are not individually obligated to pay any fees to Class Counsel. You may also choose to have your own lawyer represent you, at your own expense, by filing a notice of appearance on your behalf as a class member.

As a class member, you have the right to advise the court if at any time you think that you are not being fairly and adequately represented by the named plaintiffs and their lawyers.

By remaining a class member, any claims you may have against the defendants for negligence; willful interference with remains and intentional mishandling of a corpse; negligent interference with remains and mishandling of a corpse; and breach of contract will be decided in this case and cannot be presented in any other lawsuit.

You will be notified if any ruling reduces the size of the class. You will also receive notice of, and an opportunity to be heard about, any proposed settlement or dismissal of the class claims.

If you wish to exclude yourself from the class you must do so in writing. All written exclusions must be postmarked by 5:00 p.m. ET on November 8, 2003 and sent to Class Counsel, PO Box 0548, Nashville, TN 37212-9998.

What Funeral Homes are Named as Defendants?

ALABAMA

Fort Payne:

Burt Funeral Home

Henagar:

Kerby Funeral Home

GEORGIA

Adairsville:

R. Dudley Barton & Son Funeral Home

Calhoun:

Thomas & Son Funeral Home

Cartersville:

Parnick Jennings Funeral Home

Chatsworth:

Peoples Funeral Home

Chickamauga:

J. Avery Bryan of Chickamauga

Dalton:

House of Overstreet Mortuary
Julian Peoples Funeral Home
Kenemer Brothers Funeral Home
Love Funeral Home
Willis Funeral Home

Fort Oglethorpe:

W.L. Wilson & Sons Funeral Home

Jasper:

Cagle Funeral Home

Lafayette:

Wallis-Wilbanks Funeral Home

Marietta:

Hay-Gantt Funeral Home

Noble:

Tri-State Crematory

Norcross:

Parnick Jennings Funeral Home

Ringgold:

Wallis Stewart Funeral Home

Rome:

Jennings Heritage Chapel Funeral Home

Rossville:

Lane Funeral Home

Summerville:

Erwin Pettit Funeral Home
J.D. Hill Funeral Home

Trenton:

R.D. Moore Funeral Home
Ryan Funeral Home

Tunnel Hill:

Jesse Jones Funeral Home

TENNESSEE

Chattanooga:

Chattanooga Funeral Home East Chapel
Chattanooga Funeral Home North Chapel
Chattanooga Funeral Home Valley View Chapel
Chattanooga Funeral Home West Chapel
Covenant Funeral Services

Family Mortuary

Franklin-Strickland Funeral Home
Hardwick & Sons Funeral Home
J. Avery Bryan Funeral Home Service
Pinkard & Mee Funeral Home Service
Taylor Funeral Home
Turner Funeral Home
Wann Funeral Home

Cleveland:

Fike Funeral Home
Patton's Funeral Home

Dunlap:

Ewton Funeral Home

Kimball:

Sequatchie Valley Funeral Home

Manchester:

Gilmore Funeral Home

Monteagle:

Cumberland Funeral Home
Cumberland Funeral Service

Palmer:

Layne Funeral Home

Tracy City:

Cumberland Funeral Home Tracy City
Foster & Sons Funeral Home

**For further information and a detailed notice, please
call Toll-Free: 1-877-877-4521 or visit: www.crematoryclassaction.com**

PLEASE USE THE BACK OF THIS FORM OR ADDITIONAL PAPER TO PROVIDE ADDITIONAL RELEVANT INFORMATION.
Class Counsel may contact you with additional questions.

Rust Consulting, Inc.
Tri-State Crematory Project
DRAFT - IVR Message
September 12, 2003

Thank you for calling the Tri-State Crematory Class Action Information Center. The following message is a summary of the Notice you received, and is not meant to replace the information in the Class Action Notice. If you have additional questions after listening to this message, you will have an opportunity to hear answers to frequently asked questions about the litigation. If you have not received a Class Action Notice and believe that you are a Class Member, you will have an opportunity to request that one is mailed to you at the end of this message.

The Class Action Notice that you received in the mail contains information about the lawsuit brought by Plaintiffs against the Tri-State Crematory as well as other defendants. You have not been sued; you have been identified as a potential class member in this case. The Class Action Notice was sent to you to inform you of this litigation and to explain your legal rights as a Class Member.

As a member of the Class, you have two options. First, you may remain in the class and await the outcome of the litigation. If you choose to remain a member of the class, you may be asked to provide information about your specific situation to Class Counsel and/or the Court. You may complete and send in the questionnaire that was included with the Class Action Notice. Second, you may exclude yourself from the Class to pursue your own claims. To exclude yourself from the Class, you must submit a written request to Class Counsel, as explained in the Class Action Notice.

For more information about this litigation and your rights as a Class Member, please listen carefully to the following options:

- If you would like to listen to frequently asked questions and answers, press 1.
- If you have not received a Class Action Notice and believe you are a Class Member, press 2.

Caller presses 1 - Frequently Asked Questions

We have recorded answers to the most frequently asked questions about this litigation. Please listen closely to the following list of questions and press the key indicated.

- What is this lawsuit about? Press 1.
- Who is included as a Class Member? Press 2.
- What will happen now? Press 3.
- What do I need to do if I want to remain a member of the Class? Press 4.
- How do I exclude myself from the class? Press 5.
- What is a Class Action Lawsuit? Press 6.
- Who is the next-of-kin? Press 7.
- If you have questions that are not answered by this message, press 8.
- To listen to these options again, press 9.
- To return to the main menu, press the star key.

(If no response is received, repeat the options. If no response is received again, hang up.)

Rust Consulting, Inc.
Tri-State Crematory Project
DRAFT - IVR Message
September 12, 2003

What is this lawsuit about? - 1

In February of 2002, the un-cremated human remains of at least 334 decedents were found on the property surrounding the Tri-State Crematory in Noble, Georgia. Lawsuits were filed by some of the next-of-kin of the decedents whose remains were delivered to the Tri-State Crematory for cremation, shortly after the discovery. Those lawsuits have been combined into one proceeding, and have been approved to continue as a Class Action. The Defendants in this lawsuit are the Tri-State Crematory, the Marsh family who operated the crematory and approximately 50 funeral homes which sent remains to the crematory for cremation. The Plaintiffs in this lawsuit seek damages for the Class Members.

At this time, no decision has been made by the Court as to the merits of Plaintiffs claims, or the defenses asserted by the Defendants in this case. This notice has been sent to you to inform you of the lawsuit, and your right to decide whether to remain a member of the Class.

(Return caller to list of questions.)

Who is included as a Class Member? - 2

Generally, the Class includes the next-of-kin of the decedents whose remains were delivered to the Tri-State Crematory for cremation between 1988 and 2002. The specific class definition can be found on page 1 of the Class Action Notice.

As a member of the Class, you are represented in this litigation by the Class Representatives and Class Counsel. There is no cost to you for this representation, or to be a member of the Class. If there is a judgment or recovery in favor of the class, then the Court will set and approve expenses and attorney fees out of the recovery.

(Return caller to list of questions.)

What will happen now?- 3

The litigation will go to trial. The Class Action Trial will be held in two parts -- first the liability phase, which will determine whether the defendants are liable for negligence and breach of contract. If the plaintiffs prevail, and the defendants are found to be liable, the second part of the trial, the damages phase, will be held to determine the amount of damages that exist for each Class Member.

In order for you to be updated as to any developments in this case, it is important that your current name and address information remain on file with Class Counsel. If you remain a member of the Class and have a change in this information, you must provide your updated name and/or address to Class Counsel at the address provided in the Class Action Notice.

(Return caller to list of questions.)

Rust Consulting, Inc.
Tri-State Crematory Project
DRAFT - IVR Message
September 12, 2003

What do I need to do if I want to remain a member of the Class?- 4

If you wish to remain a member of the Class, you are not required to do anything. However, the Class Action Notice you have received includes a Class Member Questionnaire that you are requested to complete and send in to Class Counsel. You must also notify Class Counsel of any change in your name or address.

(Return caller to list of questions.)

How do I exclude myself from the class?- 5

To request exclusion from the Class, you must mail a written request to Class Counsel. The request must include your full name and address, the decedent's name and your relationship to the decedent, and your signature. It must be mailed to Class Counsel at the address listed in the Class Action Notice so that it is postmarked no later than November 8, 2003. If you exclude yourself from the Class you will not be bound by any orders or judgments in this case, and you will not be able to share in any benefits which may be obtained for the Class through this litigation.

(Return caller to list of questions.)

What is a Class Action Lawsuit? - 6

A class action lawsuit is a lawsuit brought by one or more persons who seek to represent other persons who have similar claims. The persons whom they seek to represent are called class members. A class action lawsuit allows all of the claims of the class to be resolved in one trial, and ensures a consistent result for all similar claims.

Who is the next of kin? - 7

For purposes of this action, next-of-kin is defined according to Georgia's laws governing situations in which there is no will. For instance, for the purposes of this action, the next-of-kin of a decedent is the decedent's spouse, and if there is no living spouse, the decedent's child or children. If there is no living spouse or child or children, the next-of-kin is the decedent's parent or parents. If there is no living spouse or child or children or parent, the next-of-kin is the decedent's brother or sister.

Rust Consulting, Inc.
Tri-State Crematory Project
DRAFT - IVR Message
September 12, 2003

Caller has additional questions - 8

If you have additional questions not answered by this message, you may leave your name, telephone number, and question now. *Someone* will call you back with answers to your questions. If you would like to return to the menu of questions, please press 9 now.

At the tone, please record your name. Please speak slowly and clearly, and *spell your last name*. Press the pound key when you are finished.

At the tone, please speak your telephone number, including area code. Press the pound key when you are finished.

At the tone, please briefly describe your question. Press the pound key when you are finished.

Thank you for recording your information. A customer service representative will return your call within 3 business days.

Caller presses 2 – Notice Request

Class Action Notices were mailed to Class Members on [date] and two weeks should be allowed for delivery. If you believe that you are a Class Member and you have not received a Class Action Notice, you may request one now. If you would like to return to the menu of questions, please press 9 now.

To process your request, please enter the telephone number beginning with the area code of the household to which you would like the information mailed.

(Caller enters telephone:) You entered: [speaks number caller entered]. If this is correct, press one; if incorrect, press two; to repeat, press 7.

(If caller indicates that number is correct:) Please hold while we check for your address.
Please confirm your mailing address. To preserve your privacy, we will only ask you to verify the street number of your mailing address, your street number is: if this is correct, press one; if incorrect, press two; to repeat, press seven.

(If caller confirms that address is correct:) After the tone, say your first and last name, and *spell your last name*.

(Caller records name:) We recorded: [plays back caller's recording]. After the tone, if the recording is clear and complete, press one; to re-record, press two; to listen to the recording again, press seven.

Once caller has successfully recorded their information:

Your Class Action Notice will be mailed within 10 business days. Thank you for calling.